

RESOLUTION

GRANTING AN EXCEPTION ON JCC RE TAX PARCEL NO. 3720400116

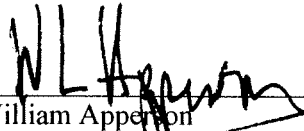
WHEREAS, **Michael Carroll, Hallmark Builders**, (the "Applicant") on behalf of **Michael and Helma Mock** (the "Owners", has appeared before the Chesapeake Bay Board of James City County (the "Board") on **October 8, 2008** to request an exception to the use of the Resource Protection Area (the "RPA") on a parcel of property identified as JCC RE Tax Parcel No. **3720400116** and further identified as **105 Pine Valley, in the Fords Colony Subdivision** (the "Property") as set forth in the application **CBE-09-023** for **encroachment into the RPA buffer associated with the installation of a wood deck and retaining wall resulting in 206 square feet of impervious area;** and

WHEREAS, the Board has listened to the arguments presented and has carefully considered all evidence entered into the record.

NOW, THEREFORE, following a public hearing, the Chesapeake Bay Board of James City County by a majority vote of its members FINDS that:

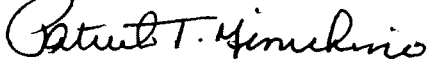
1. The exception request is the minimum necessary to afford relief.
2. Granting the exception will not confer upon the Applicant any special privileges denied by Chapter 23, Chesapeake Bay Preservation, of the James City County Code, to other property owners similarly situated in the vicinity.
3. The exception request will be in harmony with the purpose and intent of Chapter 23 of the James City County Code, and is not of substantial detriment to water quality.
4. The exception request is not based on conditions or circumstances that are self-created or self-imposed, nor does the request arise from conditions or circumstances either permitted or non-conforming that are related to adjacent parcels.
5. Reasonable and appropriate conditions are hereby imposed, as set forth below, which will prevent the exception request from causing a degradation of water quality.
6. In granting this exception, the following conditions are hereby imposed to prevent this exception request from causing degradation of water quality:
 - **Full implementation of the mitigation landscape plan submitted with the WQIA.**
 - **The size of the trees planted shall be a minimum of 1-1/2 inch caliper (six to eight feet tall) and the shrubs shall be 3-5 gallon size and a minimum of 18 inches tall. All vegetation shall be native species approved by the Environmental Division.**

- The deck extension shall have 3 inches of gravel on filter fabric installed underneath.
- Implementation of the mitigation landscape plan would be guaranteed through the provisions of the Chesapeake Bay Preservation Ordinance contained in Sections 23-10(3)d and 23-17(c) where installation of the plant material is required prior to the certificate of occupancy or through a surety instrument satisfactory to the county attorney.



William Apperton
Chair, Chesapeake Bay Board

ATTEST:



~~Scott L. Thomas~~ Patrick T. Menichino
~~Secretary to the Board~~ Compliance Specialist

Adopted by the Chesapeake Bay Board of James City County, Virginia, this 8th day of October 2008.

GrantExcTemp.res